

William C. McNeill, III, (SBN 64392)
**THE LEGAL AID SOCIETY-
EMPLOYMENT LAW CENTER**
180 Montgomery Street, Suite 600
San Francisco, CA 94104
Telephone: (415) 864-8848
Facsimile: (415) 593-0096
Email: wmcneill@las-elc.org
Email: mchien@las-elc.org

James M. Finberg (SBN 114850)
Eve H. Cervantez (SBN 164709)
Connie K. Chan (SBN 284230)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
Email: jfinberg@altber.com
Email: ecervantez@altber.com
Email: cchan@altber.com

Attorneys for Plaintiff JANE DOE, on behalf
of herself and other similarly situated.

Matthew C. Kane (SBN 171829)
Michael D. Mandel (SBN 216934)
Regina A. Musolino (SBN 198872)
Sean M. Sullivan (SBN 286368)
MCGUIREWOODS LLP
1800 Century Park East, 8th Floor
Los Angeles, CA 90067-1501
Telephone: (310) 315-8200
Facsimile: (310) 315-8210
Email: mkane@mcguirewoods.com
Email: mmandel@mcguirewoods.com
Email: rmusolino@mcguirewoods.com
Email: ssullivan@mcguirewoods.com

Attorneys for Defendant BANK OF
AMERICA CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION.

Defendant

) Case No. 3:14-CV-01613 THE
)
) **STIPULATION AND [PROPOSED]**
) **ORDER VACATING BRIEFING**
) **SCHEDULE AND HEARING ON**
) **DEFENDANT'S MOTION TO DISMISS**
) **PURSUANT TO FED. R. CIV. P. 12(B)(7)**
) Civ. L.R. 7-12
)
) Date: n/a
) Time: n/a
) Courtroom: 12
) Judge: Thelton E. Henderson
)
)
)
)

1 Plaintiff Jane Doe ("Plaintiff") and Defendant Bank of America Corporation ("Defendant"),
2 herein referred to collectively as the "Parties," by and through their respective attorneys of record,
3 hereby stipulate pursuant to Civil Local Rule 7-12 as follows:

4 WHEREAS, on June 22, 2015, Defendant filed a Motion to Dismiss Plaintiff's Complaint
5 Pursuant to F.R.C.P. 12(b)(7) (Dkt. 55);

6 WHEREAS, on September 15, 2015, the Court issued an Order on the Parties' stipulation
7 extending the deadline for Plaintiff's opposition to Defendant's Rule 12(b)(7) motion to October 13,
8 2015; extending the deadline for Defendant's reply to October 27, 2015; and setting a hearing on
9 Defendant's motion for December 7, 2015 (Dkt. 64);

10 WHEREAS, on September 28, 2015, the Parties filed a Notice of Settlement informing the Court
11 that the Parties had reached a settlement resolving this action in its entirety (Dkt. 66);

12 WHEREAS, the Parties are in the process of finalizing the formal settlement agreement and
13 expect to execute the settlement agreement in the next few weeks; and

14 WHEREAS, after the Parties execute the formal settlement agreement, the Parties will jointly
15 file a Stipulation of Dismissal dismissing the entire action;

16 HENCE, pursuant to Civil Local Rule 7-12, the Parties hereby stipulate as follows, subject to the
17 Court's approval:

- 18
- 19 1. The deadlines for Plaintiff's opposition to and Defendant's reply in support of Defendant's
20 Rule 12(b)(7) motion shall be vacated; and
 - 21 2. The hearing on Defendant's Rule 12(b)(7) motion, currently set for December 7, 2015, shall
22 be vacated.

23 DATED: October 9, 2015

24 By: /s/ James M. Finberg
25 **The LEGAL AID SOCIETY-EMPLOYMENT**
26 **LAW CENTER**
27 William C. McNeill, III
28 180 Montgomery Street, Suite 600
San Francisco, CA 94104
Telephone: (415) 864 8848
Facsimile: (415) 593-0096
wmcneill@las-elc.org

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Eve H. Cervantez
Connie K. Chan
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
jfinberg@altber.com
ecervantez@altber.com
cchan@altber.com

Attorneys for Plaintiff Jane Doe, on behalf of
herself and others similarly situated

DATED: October 9, 2015

By: /s/ Regina A. Musolino

MCGUIRE WOODS LLP

Matthew C. Kane
Michael D. Mandel
Regina A. Musolino
Sean M. Sullivan
1800 Century Park East, 8th Floor
Los Angeles, CA 90067-1501
Telephone: (310) 315-8200
Facsimile: (310) 315-8210
mkane@mcguirewoods.com
mmandel@mcguirewoods.com
rmusolino@mcguirewoods.com
ssullivan@mcguirewoods.com

Attorneys for Defendant Bank of America
Corporation

PROPOSED ORDER

Pursuant to the Parties' stipulation and for good cause shown, the Court hereby orders that the briefing and hearing schedule for Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(7) [Dkt. 55] is VACATED.

IT IS SO ORDERED.

Dated: 10/14/2015

